

Application No. 09/676,402
Reply to Office Action of June 4, 2004

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REMARKS

Summary of Office Action

In the outstanding Office Action (Paper No. 9), the Examiner cited 35 U.S.C. 103(a) and rejected: (i) claims 1-3, 10, 14, 15, 17, 21, 24-28 in view of U.S. Patent nos. 6,150,987 to Sole et al ("Sole"), 4,859,933 to Taylor et al ("Taylor"), 6,285,339 of McGill ("McGill"), 5,787,350 to van der Vorm et al ("van der Vorm") and 6,456,652 to Kim et al ("Kim I"); (ii) claims 4-7 and 9 in view of Sole, Taylor, McGill, van der Vorm, Kim and U.S. patent 5,361,402 to Grube; (iii) claims 8 and 16 in view of Sole, Taylor, McGill, Kim and U.S. Patent no. 5,784,406 to DeJaco ("DeJaco"); (iv) claim 11 in view of Sole, Taylor, McGill, Kim and U.S. Patent no. 6,188,372 of Jackson ("Jackson"); (v) claims 12 and 13 were rejected in view of Sole, Taylor, McGill, van der Vorm and Kim (citing the same patent number); (vi) claim 18 was rejected in view of Kim, Taylor, McGill, van der Vorm and U.S. Patent no. 5,663,968 of Heuer ("Heuer"); claims 19 and 20 in view of Sole, Taylor, McGill, van der Vorm, Kim, Heuer and U.S. Patent No. 5,442,811 to Kobayashi ("Kobasyashi"); (vii) claim 22 in view of Sole, Taylor, McGill, van der Vorm, Kim, Grube and U.S. Patent No. 5,896,574 to Bass, Sr. ("Bass"); and (viii) claim 23 in view of Sole, Taylor, McGill, van der Vorm, Kim and Heuer. Claim 29 was objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all base limitations.

In the Claims

In this response, claims 18, 26-31 are provided, wherein claims 18 and 26-29 are amended and claims 30-31 are added. Claims 1-17 and 18-25 are cancelled. There are 7

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claims in total. Applicant submits that no extra claim fees are payable in view of the total number of claims previously presented. However if there are claim fees payable, Applicant requests that such fees be charged to Agent's Deposit Account 15-0633.

Applicant amends claims 18 and 26 to incorporate positioning a testing antenna, transmit antenna and receive antenna such that from the testing antenna, an angle defined by the locations of the three antennae with the testing antenna at the vertex as being 1.5 degrees or less. Applicant submits that none of the prior art cited teaches this feature and that such feature is consistent with the Examiner's reasons for allowability for the application.

Subsequent claims are amended to introduce features from previously presented claims or to provide further aspects consistent with the Examiner's reasons for allowability. In particular, Applicant amends claim 27 to define the positioning of the antenna to form a right-angled triangle. Claim 28 is amended to define a characteristic measured by the system as being a power measurement, which was in previous claim 27. Claim 29 is amended to define a step of comparing said ambient atmospheric and meteorological conditions to a predetermined threshold level required to maintain a level of service required for the testing antenna.

New claims 30 and 31 depend from claim 26. Claim 30 defines repeating a measurement of signals received at a second location using the testing antenna and selecting one of the locations as the optimal location for the testing antenna, based on a comparison of the measured characteristics. New claim 31 defines a step to simulate ambient atmospheric conditions, which was presented previously.

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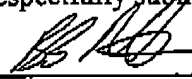
No new subject matter is added by any amendment to any claim or by the new claims. Exemplary support for the claim amendments and new claims is found in Figure 7 and the text of the specification as filed from line 21, page 12 to line 22, page 15 and in the summary section of the specification, for example at line 1, page 4 to line 15, page 5.

Closing Comments

In view of the filing of the RCE, Applicant notes that the "final" status of the office action should be changed to "non-final". Further, in view of each of the amendments and comments herein, Applicant submits that the claims as provided herein and the application is in condition for allowance and that all rejections are traversed. As such, Applicant earnestly solicits that this application be permitted to proceed to allowance. The Examiner is invited to contact the undersigned by telephone to discuss this case further, if necessary.

Respectfully submitted

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Date


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